

## Applicant Details

First Name **Kate**  
 Middle Initial **G**  
 Last Name **Walford**  
 Citizenship Status **U. S. Citizen**  
 Email Address [walfordk@berkeley.edu](mailto:walfordk@berkeley.edu)

Address

Address
Street
<b>672 Alcatraz Ave</b>
City
<b>Oakland</b>
State/Territory
<b>California</b>
Zip
<b>94609</b>

Contact Phone Number **206-446-8125**

## Applicant Education

BA/BS From **University of Washington**  
 Date of BA/BS **June 2014**  
 JD/LLB From **University of California, Berkeley**  
**School of Law**  
<https://www.law.berkeley.edu/careers/>

Date of JD/LLB **May 1, 2024**  
 Class Rank **School does not rank**

Does the law school have a Law Review/Journal? **Yes**

Law Review/Journal **No**

Moot Court Experience **Yes**

Moot Court Name(s) **Traynor California Appellate Advocacy Competition**

## Bar Admission

## Prior Judicial Experience

Judicial Internships/Externships **No**  
Post-graduate Judicial Law Clerk **No**

### **Specialized Work Experience**

### **Recommenders**

Roth, Andrea  
aroth@law.berkeley.edu

Ibrahim, Maha  
mibrahim@equalrights.org  
510-575-6728

Oppenheimer, David  
doppenheimer@law.berkeley.edu

**This applicant has certified that all data entered in this profile and any application documents are true and correct.**

**Kate Walford**

672 Alcatraz Ave., Oakland, CA 94609 | walfordk@berkeley.edu | (206) 446-8125

June 12, 2023

The Honorable Maria Araujo Kahn  
United States Court of Appeals  
Second Circuit  
Connecticut Financial Center  
157 Church Street, 18th Floor  
New Haven, CT 06510-2100

Dear Judge Kahn,

I am a rising third-year law student at the University of California, Berkeley, School of Law, and am writing to apply to a clerkship in your chambers for the 2024 term. As an aspiring plaintiff-side litigator, a federal appellate clerkship is an ideal opportunity to deepen my understanding of the federal judiciary and gain the skills necessary to serve others through my legal practice.

Prior to attending law school, I obtained a master's degree in educational leadership and policy and spent seven years working in the higher education field. This work taught me the skills for independent decision-making and execution, as well as effective collaboration and communication with clients, stakeholders, and colleagues at all levels of leadership. While managing compliance with employment and education law for student employment at Reed College, I developed a strong interest in the legal field. This newfound fascination with the law, as well as my desire to work in the public interest, has informed my decision to attain a law degree and influenced my decision to pursue a federal clerkship.

Starting my legal career in public service will allow me to develop the research, writing, and communication skills necessary to litigate on behalf of future clients. I am particularly drawn to appellate work after my moot court experience, arguing a case currently pending before the California Supreme Court. I was assigned to argue against a bill written by Equal Rights Advocates, the nonprofit organization I was externing for at the time. This challenged me to consider new aspects of the issue at hand as I came to agree with the legitimate concerns of those opposing the legislation. I found deep satisfaction in the rigorous and meticulous research which goes into resolving a complex legal issue, and further appreciated the value of a neutral and thoughtful judiciary. I am eager to continue to hone these analytical skills by working on the complex legal issues dealt with in federal appellate courts.

Please find my resume, law school transcript, undergraduate and master's transcripts, writing sample, references, and letters of recommendation included in my application. I believe that my significant professional experience, academic achievements, and collaborative and curious perspective will make me both an asset to your chambers and provide me a strong foundation on which to build as a law clerk. I would appreciate the chance to discuss my qualifications for a position in your chambers further. Thank you for your time and consideration of my application.

Highest regards,



Kate Walford

## Kate G. Walford

672 Alcatraz Ave., Oakland, CA 94609 | 206.446.8125 | walfordk@berkeley.edu

### EDUCATION

#### **University of California, Berkeley, School of Law, Berkeley, CA**

J.D. Candidate, May 2024

*Honors:* 2L Berkeley Law Scholar (One of the Top Three Students); 1L Academic Distinction (Top 10%)  
Jurisprudence Award (first in class): Civil Procedure Fall 2021 & Employment Law Spring 2023  
Prosser Prize (second in class): Civil Field Placement Ethics Seminar Fall 2022

*Activities:* Co-President, Berkeley Plaintiffs' Law Association; Moot Court Traynor California Appellate Competition (Team Best Brief Award, Individual Merit Award for Oral Argument); Research Assistant for Professor David Oppenheimer; Legal Research & Writing and Written & Oral Advocacy Courses Tutor; Workers' Rights Clinic Student Counselor

#### **Portland State University, Portland, OR**

M.A., Educational Leadership and Policy, June 2017

*Activities:* Graduate Assistant, Student Athlete Support Services (20+ hours/week)

#### **University of Washington, Seattle, WA**

B.A., *magna cum laude*, Community, Environment, and Planning, June 2014

*Honors:* Mary Gates Endowment for Leadership

### EXPERIENCE

#### **Equal Employment Opportunity Commission, Washington, D.C. (remote)**

*Administrative Law Judge Clerk-Intern*

Aug. 2023 – Dec. 2023

#### **Gibbs Law Group LLP, Oakland, CA**

*Summer Associate*

June 2023 – Aug. 2023

#### **Equal Rights Advocates, San Francisco, CA**

*Law Clerk*

Aug. 2022 – May 2023

Performed client intakes for students and workers seeking legal advice. Drafted legal research memos, decision analyses, and litigation proposals in support of Title IX and employment litigation and policy initiatives.

#### **Public Advocates, San Francisco, CA**

*Summer Law Clerk, Education Equity Team*

June 2022 – Aug. 2022

Drafted legal research and strategy memos related to state education law. Reviewed school district budget data for legal compliance and drafted legal advocacy letters to districts and state agencies.

#### **Reed College, Portland, OR**

*Student Work Coordinator*

Sept. 2018 – Aug. 2021

Independently oversaw all aspects of the Student Work Office. Managed communication, training, and support for 800+ student workers and 150+ supervisors. Consulted with students and supervisors regarding hiring, workplace conflict, employee performance, and legal concerns.

#### **University of Portland, Portland, OR**

*Program Assistant, Shepard Academic Resource Center*

Aug. 2017 – Sept. 2018

Managed administrative operations and student employee supervision for academic resource center.

#### **Oregon Campus Compact AmeriCorps VISTA Program, Portland, OR**

*College Access & Mentoring Programs Coordinator*

Aug. 2014 – Aug. 2015

Launched mentorship program connecting first-generation college students to K-12 students.

**INTERESTS:** Competitive roller derby, gardening, and backpacking

# Berkeley Law

## University of California

### Office of the Registrar

Kate Gardner Walford  
Student ID: 3037352236  
Admit Term: 2021 Fall

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Academic Program History  
Major: Law (JD)

Cumulative Totals 31.0 31.0

#### Awards

Jurisprudence Award 2021 Fall: Civil Procedure  
Prosser Prize 2022 Fall: Civ Field Placement Ethics Sem  
Jurisprudence Award 2023 Spr: Employment Law

2021 Fall					
Course		Description	Units	Law Units	Grade
LAW	200F	Civil Procedure	5.0	5.0	HH
		David Oppenheimer			
LAW	201	Torts	4.0	4.0	P
		Daniel Farber			
LAW	202.1A	Legal Research and Writing	3.0	3.0	CR
		Kerry Kumabe			
LAW	230	Criminal Law	4.0	4.0	H
		Jonathan Simon			
Term Totals			16.0	16.0	
Cumulative Totals			16.0	16.0	

2022 Fall					
Course		Description	Units	Law Units	Grade
LAW	207.5	Advanced Legal Writing	3.0	3.0	H
		<b>Fulfills 1 of 2 Writing Requirements</b>			
		Lindsay Saffouri			
LAW	241	Evidence	4.0	4.0	HH
		Andrea Roth			
LAW	295	Civ Field Placement Ethics Sem	2.0	2.0	HH
		<b>Fulfills Either Prof. Resp. or Experiential</b>			
		Susan Schechter			
		Jessica Mark			
		Cheryl Stevens			
LAW	295.6A	Civil Field Placement	4.0	4.0	CR
		<b>Units Count Toward Experiential Requirement</b>			
		Susan Schechter			
Term Totals			13.0	13.0	
Cumulative Totals			44.0	44.0	

2022 Spring					
Course		Description	Units	Law Units	Grade
LAW	202.1B	Written and Oral Advocacy	2.0	2.0	H
		<b>Units Count Toward Experiential Requirement</b>			
		Kerry Kumabe			
LAW	202F	Contracts	4.0	4.0	HH
		Prasad Krishnamurthy			
LAW	220.6	Constitutional Law	4.0	4.0	HH
		<b>Fulfills Constitutional Law Requirement</b>			
		Erwin Chemerinsky			
LAW	272.3	Climate Change & the Law	3.0	3.0	H
		Robert Infelise			
LAW	285.44	Consumer Law&Econ Justice Wksp	2.0	2.0	P
		Seth Mermin			
		Abbye Atkinson			
Term Totals			15.0	15.0	

  
 Carol Rachwald, Registrar

# Berkeley Law

## University of California

### Office of the Registrar

Kate Gardner Walford  
Student ID: 3037352236  
Admit Term: 2021 Fall

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Page 2 of 2

2023 Spring					
Course		Description	Units	Law Units	Grade
LAW	223	Administrative Law Sharon Jacobs	4.0	4.0	HH
LAW	227.21	Employment Law Todd Jackson	3.0	3.0	HH
LAW	244.62	Litigating Class Actions Anne Bloom Jocelyn Larkin	1.0	1.0	CR
LAW	295.3T	Roger J. Traynor Moot Crt Comp Natalie Winters	1.0	1.0	CR
LAW	295.6A	Civil Field Placement <b>Units Count Toward Experiential Requirement</b> Susan Schechter	2.0	2.0	CR
LAW	295B	Field Placement Workshop <b>Units Count Toward Experiential Requirement</b> Susan Schechter	1.0	1.0	CR
LAW	297	Brenda Adams Self-Tutorial Sem David Oppenheimer	2.0	2.0	CR
			<u>Units</u>	<u>Law Units</u>	
Term Totals			14.0	14.0	
Cumulative Totals			58.0	58.0	

2023 Fall					
Course		Description	Units	Law Units	Grade
LAW	231	Crim Procedure- Investigations <b>Units Count Toward Race and Law Requirement</b> Andrea Roth	4.0	4.0	
LAW	281	Family Law Khiara Bridges	4.0	4.0	
			<u>Units</u>	<u>Law Units</u>	
Term Totals			0.0	0.0	
Cumulative Totals			58.0	58.0	



 Carol Rachwald, Registrar

University of California  
Berkeley Law  
270 Simon Hall  
Berkeley, CA 94720-7220  
510-642-2278

### KEY TO GRADES

1. Grades for Academic Years 1970 to present:

HH	-	High Honors	CR	-	Credit
H	-	Honors	NP	-	Not Pass
P	-	Pass	I	-	Incomplete
PC	-	Pass Conditional or Substandard Pass (1997-98 to present)	IP	-	In Progress
NC	-	No Credit	NR	-	No Record

2. Grading Curves for J.D. and Jurisprudence and Social Policy PH.D. students:

In each first-year section, the top 40% of students are awarded honors grades as follows: 10% of the class members are awarded High Honors (HH) grades and 30% are awarded Honors (H) grades. The remaining class members are given the grades Pass (P), Pass Conditional or Substandard Pass (PC) or No Credit (NC) in any proportion. In first-year small sections, grades are given on the same basis with the exception that one more or one less honors grade may be given.

In each second- and third-year course, either (1) the top 40% to 45% of the students are awarded Honors (H) grades, of which a number equal to 10% to 15% of the class are awarded High Honors (HH) grades or (2) the top 40% of the class members, plus or minus two students, are awarded Honors (H) grades, of which a number equal to 10% of the class, plus or minus two students, are awarded High Honors (HH) grades. The remaining class members are given the grades of P, PC or NC, in any proportion. In seminars of 24 or fewer students where there is one 30 page (or more) required paper, an instructor may, if student performance warrants, award 4-7 more HH or H grades, depending on the size of the seminar, than would be permitted under the above rules.

3. Grading Curves for LL.M. and J.S.D. students for 2011-12 to present:

For classes and seminars with 11 or more LL.M. and J.S.D. students, a mandatory curve applies to the LL.M. and J.S.D. students, where the grades awarded are 20% HH and 30% H with the remaining students receiving P, PC, or NC grades. In classes and seminars with 10 or fewer LL.M. and J.S.D. students, the above curve is recommended.

Berkeley Law does not compute grade point averages (GPAs) for our transcripts.

For employers, more information on our grading system is provided at: <https://www.law.berkeley.edu/careers/for-employers/grading-policy/>

Transcript questions should be referred to the Registrar.

This Academic Transcript from The University of California Berkeley Law located in Berkeley, CA is being provided to you by Parchment, Inc. Under provisions of, and subject to, the Family Educational Rights and Privacy Act of 1974, Parchment, Inc is acting on behalf of University of California Berkeley Law in facilitating the delivery of academic transcripts from The University of California Berkeley Law to other colleges, universities and third parties.

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May 22, 2023

The Honorable Maria Kahn  
Connecticut Financial Center  
157 Church Street, 18th Floor  
New Haven, CT 06510-2100

Dear Judge Kahn:

I write to recommend Kate Walford for a clerkship in your chambers. Kate was one of the very top students in my 108-person Fall 2022 Evidence class, and I've gotten to know her outside of class because of her interest in litigation and clerking. I highly recommend her for a federal clerkship.

Kate was one of the top 4 students in my 108-person Evidence class, easily earning her a High Honors (top 10%) grade, based on a notoriously difficult multiple-choice exam and a policy essay. I usually don't add individual notes to my spreadsheet about exams while anonymously grading them, but on Kate's I wrote that she had a particularly good essay on Federal Rule of Evidence 609 (students tend to write on 609 often, and often regurgitate the same classic arguments against it, so when someone writes a 609 essay that is actually well written and not cliché, I tend to notice it). Kate wasn't a frequent speaker in class, but when she did speak, she was impeccably prepared and thoughtful. She was one of those quietly competent brilliant students who don't show off but then get a High Honors.

Given her performance in Evidence, it doesn't surprise me to learn that Kate has earned numerous High Honors (HHs) in other classes as well, both big and small. In particular, she earned the coveted Am Jur award (top grade in class) in Civil Procedure, and the Prosser Award (second highest grade in class) in an ethics seminar focused on practice. She was also an LRW tutor, a position offered only to those students who take writing seriously as a craft and who show potential to be great mentors. The fact that she has continued to take large difficult doctrinal classes, as well as labor-intensive electives like Advanced Legal Writing (which every student should take but few do), shows her academic and intellectual ambitions and her commitment to be the best litigator she can be upon graduation.

Unlike many other academic superstars, who are high achieving but unsure of their personal and professional goals, Kate is very clear-eyed about what interests her – plaintiff-side litigation, particularly employment and labor law. Her maturity in this regard is surely partly just her personality, but also partly a function of her unusual background; she has an advanced degree and worked for a full seven years in higher education administration and employment before law school.

Kate is also a lovely person who would be great to have in chambers. As I said, she is a bit understated, not bombastic, but also confident. She also clearly has a fun quirky side; I learned only through this process that she is a competitive roller derby participant (!).

In sum, Kate would be a great federal clerk. Please do not hesitate to contact me by cell phone, 202-669-6565, or e-mail, [aroeth@law.berkeley.edu](mailto:aroeth@law.berkeley.edu), with any questions.

Very truly yours,

Andrea Roth  
Professor of Law  
UC Berkeley School of Law

Andrea Roth - [aroeth@law.berkeley.edu](mailto:aroeth@law.berkeley.edu)





**EQUAL RIGHTS**  
ADVOCATES  
Fighting for Women's Equality

611 Mission Street, 4<sup>th</sup> Floor  
San Francisco, CA 94105  
Phone: 415.621.0672

[www.EqualRights.org](http://www.EqualRights.org)

May 15, 2023

**Re: Letter of recommendation— Kate Walford**

To Whom it May Concern,

I strongly recommend Kate Walford's application to clerk in your chambers.

Kate Walford was one of our school-term externs at Equal Rights Advocates ("ERA") for the entire 2023-2024 school year. Kate started as one of our strongest law clerks of the year (which, including summer 2023, totaled 14 clerks from top schools on both the West and East coasts), grew in her abilities and contributions consistently throughout her clerkship, and ended her clerkship as she had begun it and performed it throughout, as one of our strongest clerks of the year.

Kate is certainly a hardworking and dedicated student with a passion for justice. She holds a clear set of values based on both her life experience, which is more extensive and practical than most of her younger law clerk classmates, as well as rooted in her academic and intellectual worldview. Kate was frequently the first law clerk in the office on the designated extern office in-person day, Fridays, meeting or beating our incredibly punctual and dedicated law fellow to the office on most occasions. In fact, on her very first day with us she calmly and in what we learned is her usual soft and flexible but nonetheless matter-of-a-fact style called our legal assistant to figure out how to disarm the alarm system as she was the first to arrive at the office.

Since her first day, she has proven herself to be reliable, eager to volunteer for tasks, and equipped with a keen eye to identify potential litigation cases from our national Advice & Counsel ABA-designated warm-line. Of this entire school year, the impact litigation case we took on and the other case we seriously considered offering full representation for were from Kate's, and only Kate's, intakes.

Kate was the only law clerk who identified two cases ripe for litigation in her first semester with us. Both of these cases began as regular intakes for Kate. Typically, our law clerks present their intakes to their supervising attorneys, and sometimes our legal fellow, during our Direct Services Meeting. While we typically send our callers resources or represent them in only a limited capacity during their Title IX cases, two of Kate's cases were a right fit at the right time for consideration in our extremely limited litigation docket. The ability to seize these opportunities was assuredly due to Kate's excellent issue-spotting and presentation skills, her ability to distill and analyze information succinctly and quickly, and her readiness and willingness to immediately jump into follow-up tasks assigned by attorneys to further the possibility that we could consider the case and work up the matter within that window of opportunity.



## EQUAL RIGHTS

A D V O C A T E S

Fighting for Women's Equality

611 Mission Street, 4<sup>th</sup> Floor  
San Francisco, CA 94105  
Phone: 415.621.0672

[www.EqualRights.org](http://www.EqualRights.org)

Although our other law clerks were wonderful and a welcome addition to our team, the fact stands that had another law clerk presented these cases in this year's cohort the clients likely would have received only our legal information services consisting of letters stating their rights and referrals to call in lieu of our direct representation due to our limited capacity and strategic impact-litigation approach/specifications, something we call an "Advice & Counsel Letter." Kate's acumen, succinct summary of the case, and fierce advocacy, aided the Legal Team to be able to take a deeper dive into the cases and determine their merits.

Kate has all of the skills necessary to be a successful law clerk, including advanced research and writing skills and fidelity to the details. Kate is quick to find the on-point cases when asked to produce research. She has the maturity necessary avoid overwhelm in a fast-paced environment and remain both flexible and practical as she plans her work.

We are proud of the work that Kate had produced as a law clerk and the way that she has adapted easily to our office. When Kate begins her summer at the Gibbs Law Group we know that she will flourish, gain deeper insight, and secure her hands around further skills in the long practice of law to which she has committed.

Should you have any questions, please contact me at [mibrahim@equalrights.org](mailto:mibrahim@equalrights.org) or (510) 575-6728 to discuss Kate's candidacy for clerking.

Sincerely,

Maha Ibrahim  
Senior Attorney, Litigation & Policy  
Managing Attorney, End Sexual Violence in Education (ESVE) Program  
Equal Rights Advocates

March 19, 2023

The Honorable Maria Kahn  
Connecticut Financial Center  
157 Church Street, 18th Floor  
New Haven, CT 06510-2100

Re: Kate Walford

Dear Judge Kahn:

I am very happy to recommend my former student and current research assistant Kate Walford for a judicial clerkship. She is an excellent student, a careful and thorough researcher, a successful and energetic leader and participant in a number of law school and community service groups, and a very promising plaintiff's civil rights lawyer. And, she is a deeply thoughtful and caring person, whom I have been very glad to get to know.

In her first semester of law school Kate was a student in my civil procedure course. She was an active participant in class discussions and was reliably well prepared and engaged by the material. I could count on her when discussion seemed to be missing a central point to help bring us back to where we belonged. In a very competitive group of students she wrote the best exam in the class, thus winning an American Jurisprudence award.

Kate is currently working with me as a research assistant, helping me on a book on the history of the idea of diversity. She has taken on some of the toughest research projects. For example, she is now deeply immersed in the literature on how the American "business case for diversity" crossed the Atlantic to be integrated into the European Union "diversity charters." This requires her to search for sources in several languages and collaborate with colleagues of mine from France, Belgium, Germany and Portugal who have volunteered to help. She has kept the research well organized and has been careful in her assertions. And she has not been afraid to push back against my assertions when she thinks they lack support. She is this making the work better.

Kate's grades put her within the top 10% of a very competitive class. And given the academic demands of law school and the challenge of being a student during the pandemic, it would be reasonable to expect her to be buried in her books. But outside of class Kate is an activist leader in one of our pro bono projects, the Worker's Rights Clinic; a volunteer with a local public interest NGO – Equal Rights Advocates; the co-president of one of our student organizations, the Berkeley Plaintiffs' Law Association; and a tutor (basically a teaching assistant) in our writing program.

In sum, Kate Walford is making her mark at Berkeley Law as a very strong student, an activist leader, and a participant in important scholarly, community, and service learning activities. I have every confidence that she will be an excellent lawyer, and (more to the point) an excellent law clerk. She has my highest recommendation.

Please feel free to contact me regarding this recommendation. I can be reached by email at [doppenheimer@law.berkeley.edu](mailto:doppenheimer@law.berkeley.edu) or by phone (cell) at 510/326-3865.

Sincerely,

David B. Oppenheimer  
Clinical Professor of Law

David Oppenheimer - [doppenheimer@law.berkeley.edu](mailto:doppenheimer@law.berkeley.edu)

**Applicant Details**

First Name	<b>Kurt</b>
Middle Initial	<b>D</b>
Last Name	<b>Walters</b>
Citizenship Status	<b>U. S. Citizen</b>
Email Address	<a href="mailto:kwalters@jd21.law.harvard.edu">kwalters@jd21.law.harvard.edu</a>
Address	<div> <b>Address</b>  <b>Street</b>  <b>941 Randolph St NW, Apt A</b>  <b>City</b>  <b>Washington</b>  <b>State/Territory</b>  <b>District of Columbia</b>  <b>Zip</b>  <b>20011</b>  <b>Country</b>  <b>United States</b> </div>
Contact Phone Number	<b>4342278160</b>

**Applicant Education**

BA/BS From	<b>Brown University</b>
Date of BA/BS	<b>May 2011</b>
JD/LLB From	<b>Harvard Law School</b>
	<a href="https://hls.harvard.edu/dept/ocs/">https://hls.harvard.edu/dept/ocs/</a>
Date of JD/LLB	<b>May 27, 2021</b>
Class Rank	<b>School does not rank</b>
Law Review/Journal	<b>Yes</b>
Journal(s)	<b>Harvard Law &amp; Policy Review</b> <b>Harvard Journal of Law &amp; Technology</b>
Moot Court Experience	<b>No</b>

**Bar Admission**

Admission(s)	<b>District of Columbia, Virginia</b>
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**Prior Judicial Experience**

Judicial Internships/ Externships	No
Post-graduate Judicial Law Clerk	Yes

### **Specialized Work Experience**

### **Recommenders**

Wood, Kimba  
Kimba\_M\_Wood@nysd.uscourts.gov  
(212) 805-0258  
Benkler, Yochai  
ybenkler@law.harvard.edu  
617-496-3022  
Gupta, Deepak  
dgupta@law.harvard.edu  
202-246-0572

**This applicant has certified that all data entered in this profile and any application documents are true and correct.**

## KURT WALTERS

941 Randolph St. NW, Apt. A, Washington, DC 20011 · 434-227-8160 · kwalters@jd21.law.harvard.edu

May 26, 2023

The Honorable Maria Araujo Kahn  
United States Court of Appeals for the Second Circuit  
Connecticut Financial Center  
157 Church Street, 18th Floor  
New Haven, CT 06510-2100

Dear Judge Kahn,

I write to apply for a clerkship in your chambers during the 2024–25 term. After graduating *magna cum laude* from Harvard Law School in 2021, I served as a law clerk to Judge Kimba M. Wood on the U.S. District Court for the Southern District of New York. As I embraced the responsibilities of my clerkship, I drafted a manuscript advocating the renewed use of a powerful but long-neglected rulemaking authority held by the Federal Trade Commission. The piece was published this past August as an Article in the *Harvard Law & Policy Review*.

Subsequent to my district court clerkship, I came to Washington, D.C. to join the Federal Trade Commission as an antitrust attorney. As I build the foundation of my career in public service, it would be a distinct privilege to follow a period at the Commission with a year assisting in the important work of your chambers.

Attached are my resume, law school transcript, and writing sample. You will receive letters of recommendation from the following individuals:

- Hon. Kimba M. Wood, U.S. District Judge, Southern District of New York  
kimba\_m\_wood@nysd.uscourts.gov, 212-805-0258
- Yochai Benkler, Professor, Harvard Law School  
ybenkler@law.harvard.edu, 617-496-3022
- Deepak Gupta, Lecturer on Law, Harvard Law School  
dgupta@law.harvard.edu, 202-246-0572

Chief Judge Jeffrey S. Sutton of the U.S. Court of Appeals for the Sixth Circuit, in whose jointly taught State Constitutional Law course I received a Dean's Scholar Prize, has also offered to serve as a reference. He may be reached at 614-849-0134.

I am happy to provide any further information or materials that would be helpful for you to review. Thank you for your consideration.

Sincerely,

Kurt Walters

# KURT WALTERS

941 Randolph St. NW, Apt. A, Washington, DC 20011 · 434-227-8160 · kwalters@jd21.law.harvard.edu

## EDUCATION

- Harvard Law School, J.D., magna cum laude** **Cambridge, MA | Sept. 2018 – May 2021**
- *Research Assistant*: Prof. Yochai Benkler (regulation of harmful speech on tech platforms; racial and gender subordination in market societies), Prof. Jennifer Taub (adequacy of statistics measuring white collar crime), Profs. William Fisher & Yochai Benkler (legal frameworks for health data).
  - *Teaching Fellow*: Property 4, Spring 2021.
  - *Journals*: *Harvard Law & Policy Review* (Exec. Online Editor), *Harvard Journal of Law & Technology* (Junior Editor).
  - *Activities*: Law & Political Economy Association (Co-President), American Constitution Society (Co-Dir., Progressive Constitutionalism Project), GSAS Student Center Orchestra (Principal Trumpet), HLS Club Soccer.
- Brown University, A.B., magna cum laude** **Providence, RI | Sept. 2007 – May 2011**
- Concentration in Philosophy, Politics, and Economics; capstone project on democratic decisionmaking.

## WORK EXPERIENCE

- Federal Trade Commission, Bureau of Competition, Attorney** **Washington, DC | Oct. 2022 – Present**
- Investigate the competitive effects of proposed mergers, conduct party depositions, synthesize developments in antitrust doctrine, write memoranda recommending whether the FTC should seek to block proposed mergers.
- Hon. Kimba M. Wood, S.D.N.Y., Law Clerk** **New York, NY | Aug. 2021 – Aug. 2022**
- Drafted judicial opinions and orders, prepared jury instructions, produced bench memoranda.
- Public Citizen Litigation Group, Summer Law Clerk** **Washington, DC | May 2020 – July 2020**
- Drafted the complaint and sections of a summary-judgment brief in an APA challenge to a CFPB rule.
  - Distilled case law discussing preliminary injunction factors and distinguishing legislative and nonlegislative rules.
- U.S. House of Reps., Antitrust Subcommittee, Fellow** **Washington, DC | Dec. 2019 – Jan. 2020**
- Contributed to a far-reaching investigation of the market power of dominant online platforms, analyzing confidential third-party documents and synthesizing information gathered during subcommittee hearings.
- Federal Trade Commission, Law Clerk to Comm’r Slaughter** **Washington, DC | May 2019 – Aug. 2019**
- Researched and wrote an extensive memorandum documenting the FTC’s dormant rulemaking powers, which formed the basis for the Commission’s later revisions to the FTC Rules of Practice governing rulemaking.
  - Created and edited the Commissioner’s speeches and dissents on antitrust and consumer protection matters.
- Demand Progress, Campaign Director** **Washington, DC | Apr. 2015 – May 2018**
- Led strategy and execution for campaigns to reform Wall Street, defend net neutrality, and strengthen campaign finance disclosure, earning quotations in outlets such as the *N.Y. Times*, *Bloomberg*, and *Politico*.
  - Directed online activism and fundraising for Demand Progress’s more than two million activists, increasing active membership by 92 percent in 12 months and raising more than \$650,000 in annual member donations.
- Anne Lewis Strategies, Digital Production Associate** **Washington, DC | Sept. 2014 – Apr. 2015**
- Analyzed fundraising data and coded HTML emails and websites for prominent nonprofits and candidates.
- Schatz for Senate, Digital Press Secretary** **Honolulu, HI | Jan. 2014 – Aug. 2014**
- Led the digital program and online fundraising for U.S. Senator Brian Schatz’s competitive primary campaign.

## PUBLICATIONS, PANELS & VOLUNTEERING

- Heyman Fellow**: Mentor to HLS students; awarded based on potential contribution in public service (2022–23).
- Published Scholarship**: *Reassessing the Mythology of Magnuson-Moss: A Call to Revive Section 18 Rulemaking at the FTC*, 16 HARV. L. & POL’Y REV. 519 (2022).
- Biden for President Policy Advisory Committee**: Convenor for Finance and Consumer Protection (2020).
- Yale Law School’s Rebellious Lawyering**: Panelist, “Challenging Concentrated Corporate Power” (2017).
- Eagle Scout Award** (2007).

## ADDITIONAL INFORMATION

- Interests**: Long-distance bicycle touring, Premier League soccer, strategy board games, trumpet performance.
- Bar Admissions**: Virginia (No. 97277), District of Columbia (No. 90004066).

Harvard Law School

Date of Issue: May 27, 2021  
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Record of: Kurt D Walters  
 Current Program Status: Graduated  
 Degree Received: Juris Doctor May 27, 2021 Magna Cum Laude  
 Pro Bono Requirement Complete

JD Program				2272	Securities Regulation: Law and Policy	P	2
Fall 2018 Term: August 29 - December 20				2777	Stein, Kara	H*	3
1000	Civil Procedure 2	H	4		Technology and Inequality		
	Greiner, D. James				Benkler, Yochai		
1001	Contracts 2	H	4		* Dean's Scholar Prize		
	Bar-Gill, Oren					Fall 2019 Total Credits:	12
1002	Criminal Law 2	P	4			Winter 2020 Term: January 06 - January 24	
	Sullivan, Ronald			8099	Independent Clinical - House Subcommittee on Antitrust,	CR	2
1006	First Year Legal Research and Writing 2A	H	2		Commercial and Administrative Law		
	Murray, Justin				Benkler, Yochai		
1003	Legislation and Regulation 2	P	4			Winter 2020 Total Credits:	2
	Davies, Susan					Spring 2020 Term: January 27 - May 15	
Fall 2018 Total Credits: 18							
Winter 2019 Term: January 07 - January 25					Due to the serious and unanticipated disruptions associated with the outbreak of the COVID19 health crisis, all spring 2020 HLS academic offerings were graded on a mandatory CR/F (Credit/Fail) basis.		
1052	Lawyering for Justice in the United States	CR	3				
	Gregory, Michael						
Winter 2019 Total Credits: 3				2000	Administrative Law	CR	4
Spring 2019 Term: January 28 - May 17					Vermeule, Adrian		
1006	First Year Legal Research and Writing 2A	H	2	2036	Constitutional Law: Separation of Powers, Federalism, and	CR	4
	Murray, Justin				Fourteenth Amendment		
2067	Organizing for Economic Justice in the New Economy	H	2	8035	Klarman, Michael		
	Block, Sharon				Predatory Lending and Consumer Protection Clinic	CR	3
1004	Property 2	H*	4	2204	Bertling, Roger		
	Fisher, William				Predatory Lending and Consumer Protection Clinical Seminar	CR	2
	* Dean's Scholar Prize				Bertling, Roger		
Spring 2019 Total Credits: 16						Spring 2020 Total Credits:	13
1019	The Legal Architecture of Globalization: Money, Debt, and Development	H	4			Total 2019-2020 Credits:	27
	Desan, Christine					Fall 2020 Term: September 01 - December 31	
1005	Torts 2	P	4	2928	Election Law	H	4
	Herstein, Ori				Stephanopoulos, Nicholas		
Spring 2019 Total Credits: 16				2086	Federal Courts and the Federal System	H	5
Total 2018-2019 Credits: 37					Fallon, Richard		
Fall 2019 Term: August 27 - December 18				2219	Regulation of Financial Institutions	H	4
2099	Antitrust Law & Economics -- Global	H	5	2728	Jackson, Howell		
	Elhauge, Einer				The Ethics and Governance of Artificial Intelligence	CR	1
2809	Forced Arbitration	H	2		Zittrain, Jonathan		
	Gupta, Deepak					Fall 2020 Total Credits:	14

continued on next page

*Lucia B...*  
 Assistant Dean and Registrar



Harvard Law School

Record of: Kurt D Walters

Date of Issue: May 27, 2021

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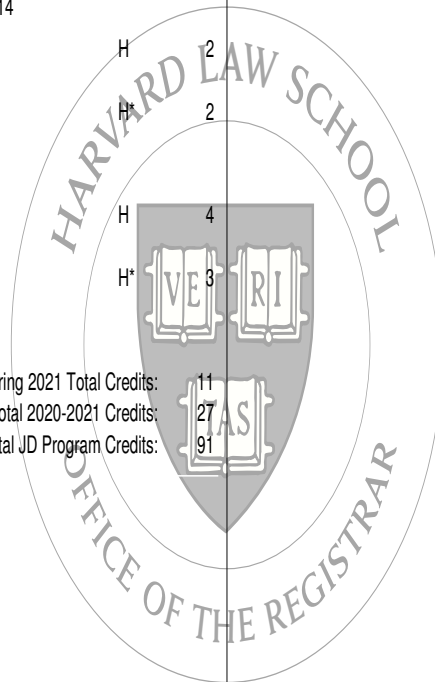
Winter 2021 Term: January 01 - January 22

2507	State Constitutional Law	H*	2
	Bowie, Nikolas		
	* Dean's Scholar Prize		
Winter 2021 Total Credits:			2

Spring 2021 Term: January 25 - May 14

2615	Comparative Digital Privacy (S01)	H	2
	Gasser, Urs		
3016	Consumer Financial Market Regulation	H*	2
	Silberman, David		
	* Dean's Scholar Prize		
2048	Corporations	H	4
	Hanson, Jon		
2169	Legal Profession: Public Interest Lawyering	H*	3
	Wacks, Jamie		
	* Dean's Scholar Prize		
Spring 2021 Total Credits:			11
Total 2020-2021 Credits:			27
Total JD Program Credits:			91

End of official record



*Liba B...*  
Assistant Dean and Registrar

**HARVARD LAW SCHOOL**  
 Office of the Registrar  
 1585 Massachusetts Avenue  
 Cambridge, Massachusetts 02138  
 (617) 495-4612  
[www.law.harvard.edu](http://www.law.harvard.edu)  
[registrar@law.harvard.edu](mailto:registrar@law.harvard.edu)

Transcript questions should be referred to the Registrar.

~~~~~  
 In accordance with the Family Educational Rights and Privacy Act of 1974, information from this transcript may not be released to a third party without the written consent of the current or former student.  
 ~~~~~

A student is in good academic standing unless otherwise indicated.

### Accreditation

Harvard Law School is accredited by the American Bar Association and has been accredited continuously since 1923.

### Degrees Offered

J.D. (Juris Doctor)  
 LL.M. (Master of Laws)  
 S.J.D. (Doctor of Juridical Science)

### Current Grading System

**Fall 2008 – Present:** Honors (H), Pass (P), Low Pass (LP), Fail (F), Withdrawn (WD), Credit (CR), Extension (EXT)

All reading groups and independent clinicals, and a few specially approved courses, are graded on a Credit/Fail basis. All work done at foreign institutions as part of the Law School's study abroad programs is reflected on the transcript on a Credit/Fail basis. Courses taken through cross-registration with other Harvard schools, MIT, or Tufts Fletcher School of Law and Diplomacy are graded using the grade scale of the visited school.

**Dean's Scholar Prize (\*):** Awarded for extraordinary work to the top students in classes with law student enrollment of seven or more.

### Rules for Determining Honors for the JD Program

*Latin honors are not awarded in connection with the LL.M. and S.J.D. degrees.*

#### May 2011 - Present

<i>Summa cum laude</i>	To a student who achieves a prescribed average as described in the <u>Handbook of Academic Policies</u> or to the top student in the class
<i>Magna cum laude</i>	Next 10% of the total class following <i>summa</i> recipient(s)
<i>Cum laude</i>	Next 30% of the total class following <i>summa</i> and <i>magna</i> recipients

All graduates who are tied at the margin of a required percentage for honors will be deemed to have achieved the required percentage. Those who graduate in November or March will be granted honors to the extent that students with the same averages received honors the previous May.

### Prior Grading Systems

**Prior to 1969:** 80 and above (A+), 77-79 (A), 74-76 (A-), 71-73 (B+), 68-70 (B), 65-67 (B-), 60-64 (C), 55-59 (D), below 55 (F)

**1969 to Spring 2009:** A+ (8), A (7), A- (6), B+ (5), B (4), B- (3), C (2), D (1), F (0) and P (Pass) in Pass/Fail classes

### Prior Ranking System and Rules for Determining Honors for the JD Program

*Latin honors are not awarded in connection with the LL.M. and S.J.D. degrees.*

Prior to 1961, Harvard Law School ranked its students on the basis of their respective averages. From 1961 through 1967, ranking was given only to those students who attained an average of 72 or better for honors purposes. Since 1967, Harvard Law School does not rank students.

<u>1969 to June 1998</u>	<u>General Average</u>
<i>Summa cum laude</i>	7.20 and above
<i>Magna cum laude</i>	5.80 to 7.199
<i>Cum laude</i>	4.85 to 5.799

#### June 1999 to May 2010

<i>Summa cum laude</i>	General Average of 7.20 and above (exception: <i>summa cum laude</i> for Class of 2010 awarded to top 1% of class)
<i>Magna cum laude</i>	Next 10% of the total class following <i>summa</i> recipients
<i>Cum laude</i>	Next 30% of the total class following <i>summa</i> and <i>magna</i> recipients

### Prior Degrees and Certificates

LL.B. (Bachelor of Laws) awarded prior to 1969.

The I.T.P. Certificate (not a degree) was awarded for successful completion of the one-year International Tax Program (discontinued in 2004).

  
 Assistant Dean and Registrar

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
UNITED STATES COURTHOUSE  
500 PEARL STREET  
NEW YORK, NEW YORK 10007-1312

KIMBA M. WOOD  
UNITED STATES DISTRICT JUDGE

(212) 805-0258  
FAX 805-7900

May 22, 2023

The Honorable Maria Araujo Kahn  
United States Court of Appeals for the Second Circuit  
Connecticut Financial Center  
157 Church Street, 18th Floor  
New Haven, CT 06510-2100

Dear Judge Kahn:

I write to offer my highest possible recommendation of my law clerk from this past term, Kurt Walters, who is applying for a clerkship in your chambers. Over the course of the year, Kurt distinguished himself as an exceptionally strong law clerk. He consistently impressed me with his incisive legal analysis, clear and cogent writing, and careful research—all carried out with a cheerful disposition and a mature sense of professionalism. I have full confidence that he would make as favorable an impact in your chambers as he made in mine.

It did not take long for Kurt to demonstrate his remarkably well-developed analytic capacities. Even when confronted with vexingly complex legal issues and convoluted fact patterns, he was able to distill each issue of a case to its essence and to resolve it in a clean and well-supported fashion. Two examples are illustrative. Just weeks after arriving in my chambers, Kurt set to work on a particularly challenging case. It was brought pursuant to a statute allowing third parties to be held civilly liable for trafficking in certain property expropriated by the Cuban government. The motion to dismiss presented an interlocking web of statutory interpretation, constitutional standing, state law, civil procedure, and international law issues implicated by the statute. Many posed close questions, for some of which there was no precedent. It was as complex a motion as most law clerks will see over the course of a full, year-long clerkship. Kurt prepared a *tour de force* memorandum synthesizing his reasoning, which was a model of clear analysis and organized exposition, based upon herculean research efforts. He then drafted a monumental opinion that fluidly navigates the shoals of the parties' arguments to give each point its appropriate place in the analysis.

Another example arose from what initially seemed to be a simple motion to amend the complaint in a copyright infringement suit. As Kurt soon discovered, the case had accrued numerous unusual procedural attributes as it was passed from judge to judge, creating quite a quagmire. He produced a memorandum that deftly sorted through the tangled history of the case and the idiosyncratic civil procedure issues that it presented, in an admirably thorough analysis. He then proceeded to identify ways to resolve each procedural complication as gracefully as possible, without drawing undue attention to any past missteps by judges or parties. Reviewing this memorandum left me wishing that all of my most nettlesome cases could be assigned to him from start to finish.

Kurt's strength of analysis is complemented by his lucid and well-organized writing. A leading priority for me when hiring law clerks is the quality of their writing. Kurt's application included a writing sample that was particularly strong. I have now seen a larger quantity of his work, and can say that his draft opinions and memoranda were consistently excellent. Many first drafts arrived in my inbox in a state so sophisticated and well-written that they were almost ready to issue as-is.

I was equally impressed by Kurt's writing outside of chambers. Take the law review article that Kurt completed in the summer of 2021 (while studying for the bar and beginning his clerkship, no less!). The article could be a masterclass. It addresses the Federal Trade Commission's long-dormant discretionary consumer protection rulemaking power, grappling with an underdeveloped area of law that could produce substantial practical benefits. He expertly synthesized his wide-ranging research into a persuasive analysis, which he conveys in fluent prose. I was not surprised that his article received numerous publication offers and was published in a prominent journal, the *Harvard Law & Policy Review*. Kurt's research has proven to be influential within the Commission. In fact, each sitting Commissioner has publicly referenced his work as the Commission initiated the first entirely new uses of that rulemaking authority in more than 40 years.

I have been glad to hear of Kurt's achievements in his current role as an attorney at the Federal Trade Commission. Even at an agency leading a generational rethinking of antitrust law, Kurt has distinguished himself. His colleagues have trusted him to shoulder an aggressive workload and to take on tasks that are rarely delegated to lawyers in their first year of practice. One example is especially remarkable. In just his third month at the Commission, Kurt led two investigational hearings—the administrative equivalent to depositions conducted pursuant to Rule 30 of the Federal Rules of Civil Procedure—in a single week. At one of those hearings, he took more than seven hours of testimony from a key party witness. Kurt has a very strong enthusiasm for working in public service, even when it is most demanding.

Like any of my best law clerks, Kurt is not *only* brilliant. He was also diligent and enthusiastic in approaching the work of chambers, from the glamorous to the tedious. When unexpected matters arose, I regularly turned to Kurt and received consistently competent, dependable work. Although my term law clerks typically handle civil litigation, complicated criminal matters occasionally call for an additional set of hands. Some busy law clerks might cringe at the prospect of taking on work in an unfamiliar area. But when I faced a complex criminal motion on a tight timeline, I turned to Kurt, who cheerfully agreed to take on the project. He drafted an excellent opinion in very little time. Sometimes, it was not even necessary to ask. When I encountered an unexpected legal question over the weekend before a sentencing proceeding, Kurt volunteered to dive into hours of research. The sentence I imposed a few days later followed the course supported by that last-minute research. His work gave me confidence that Kurt's analysis was always backed by exhaustive research.

Finally, I should add that Kurt was a delight to have in chambers. Like most judges, I seek to build a sense of camaraderie and collegiality in my chambers. Kurt's easy-going manner, generous spirit, and sense of humor fostered these qualities from the first day of his clerkship. His maturity and degree of professionalism were exemplary, as well. He regularly took initiative, whether it was coordinating a system for reviewing hundreds of law clerk applications, proactively organizing meetings with me at which my clerks proposed schedules for their upcoming work, or lending a hand when a fellow clerk or my judicial assistant was pulled out of chambers. His co-clerk benefited from Kurt's presence in chambers just as I did. Kurt regularly offered his time to his co-clerk to work through possible approaches to difficult analyses.

My opinion of Kurt as a law clerk could not be more positive. He was simply superb in the role. Over the years, many of my clerks have gone on to demanding appellate clerkships, and Kurt compares

favorably to the very best of them. I would hire him again in an instant if I had the opportunity. I am sure that you will feel just as strongly if you choose to bring Kurt on as one of your law clerks. If you would like to speak further, please do not hesitate to reach me by email at [kimba\\_m\\_wood@nysd.uscourts.gov](mailto:kimba_m_wood@nysd.uscourts.gov) or by telephone at 212-805-0258.

Sincerely,



KIMBA M. WOOD

HARVARD LAW SCHOOL  
 YOCHAI BENKLER  
 JACK N. AND LILLIAN R. BERKMAN  
 PROFESSOR FOR ENTREPRENEURIAL LEGAL STUDIES  
 FACULTY CO-DIRECTOR, BERKMAN KLEIN CENTER FOR  
 INTERNET AND SOCIETY AT HARVARD UNIVERSITY  
 HARVARD LAW SCHOOL, HAUSER HALL 304, CAMBRIDGE, MA 02138  
 YOCHAI\_BENKLER@HARVARD.EDU

May 22, 2023

The Honorable Maria Kahn  
 Connecticut Financial Center  
 157 Church Street, 18th Floor  
 New Haven, CT 06510-2100

Dear Judge Kahn:

I write to you to offer my strongest support for my student, research assistant, and teaching fellow, Kurt Walters, who is applying for a clerkship with you. Kurt is one of the very best students and research assistants I have had the pleasure of teaching and working with over the past twenty-five years. He has been my research assistant for nearly three years, he was my student both in a small reading group and in a larger class, he has been my teaching fellow in the 1L Property class, I have advised him in a winter internship, and I have advised a student organization he co-founded. There are few students whose work and abilities I have had the opportunity to observe over such an extended period in so many diverse settings. His analytic capabilities are top notch. His writing is consistently excellent. And his ability to connect minute details to broad, systemic understandings of how law works in society is among the very best I have seen. I do hope we will be able to attract him to academia, but I am confident he will have a glowing career wherever he goes. He will be a simply superb clerk.

I first met Kurt as a first year, first semester student who responded to my posting seeking research assistants. I almost never take first year students as research assistants, and do not believe I have ever taken a first semester student, largely out of a paternalistic concern that they not be overwhelmed by the workload. But Kurt was no kid. He had seven years' worth of work experience on technology law and policy issues I was studying, and came highly recommended by one of my most valued former students, who had been legal director of a nonprofit and general counsel of two startups. So I hired him and have never looked back. I suspect the same will happen to you if you hire him.

Kurt's first project for me was to research and analyze financial cybersecurity rules, regulations, and standards of practice, as part of a broader research project on how to regulate general online platforms like Google or Facebook. This project resulted in four memoranda covering cybersecurity regulations in the United States, Germany, the UK, and international multilateral efforts. The work was deep, broad, precise and incisive. While he was taking the full first-year curriculum (and getting mostly Bs), Kurt had succeeded in teaching himself, and then me, a highly complex and technical regulatory field. It was simply breathtaking to watch. He also co-authored a multi-research-assistant memorandum on the diverse self-regulatory hate speech policies adopted by the major platforms (Google, Facebook, Twitter, YouTube, Reddit). Here I could see how well Kurt worked in a team. I would say that for its time (early 2019), the memo this group produced was the most comprehensive and detailed analysis of company hate speech policies then available.

Kurt's next project was to provide me with an overview of the range of scholarship currently emerging under the umbrella term "law and political economy." A new movement in law, roughly concerned with reintegrating the effects of law on economic inequality alongside other dimensions of social inequality, I wanted to learn what people who self-identified as being in this intellectual movement were writing about and how. Kurt produced a database of scholarship in this genre, and a summary of several leading papers and authors who were connected to the emerging field. The work traversed a broad range of doctrinal fields, and Kurt developed a thoughtful and insightful synthesis of the extent to which work that saw itself as "in" this field was, or was not quite yet, a coherent approach to law. He later followed this work up with thoughtful comments on a law review article I am writing on the subject of law and political economy, during the Spring semester of 2021.

During 2020, Kurt worked with me and one of my colleagues, Professor Fisher, on producing a module for the first year Property course that both Professor Fisher and I taught this year in our 1L property course. The module teaches about the debates over property in electronic health records. Kurt did all the heavy lifting. He collected original materials and drafted several memoranda on the range of business and scientific uses of patient data, the caselaw currently most pertinent to the challenges raised by use of patient data, both health records and genetic data, state statutes seeking to regulate these questions, and the relevant law in the European Union. All that was left for Professor Fisher and I to do was to combine his research and analytic work with our experience as teachers. Another tour de force.

In the spring of 2021, Kurt was my teaching fellow in the first year property course. I had substantially revised my syllabus from prior years, and Kurt's work covered primarily reading the materials assigned well ahead of the week on which they were assigned, proposing invaluable edits and emphases to make the materials more usable for the students. He also conducted weekly office hours for the students, and wrote feedback memos each week on the materials, on the classes, and on the office hours, as inputs into future refinements of the syllabus and the teaching methods. I found his work enormously helpful, and he

Yochai Benkler - ybenkler@law.harvard.edu - 617-496-3022

showed consistently good judgment in his suggestions.

I also, of course, saw Kurt as a student. He was my student in a first year reading group on propaganda and disinformation in American politics (a topic on which I had just concluded a book), and in my Technology and Inequality class. The first year reading group is an informal, ungraded setting in which ten to twelve students meet during the fall semester, reading together and discussing law and a shared intellectual interest not related to their classes in a low-stakes context. It offers faculty a rare opportunity to observe these students closely and to see them interacting with peers in a less structured setting than common in the context of a class, even a small seminar, although in Kurt's case, I certainly did not need this opportunity to get a clear sense of his abilities. My reading group that year drew students interested in media, technology, and law. It was a superb group. Several of the students had had two or three years of experience in the field, although none had the depth of Kurt's knowledge. Nonetheless, although he had substantially more subject matter knowledge than most, if not all of the other students in the group, he was remarkably open, an excellent listener, and helped other students clarify their own thoughts rather than trying to impose his often already well-formed views.

Kurt also took my Technology and Inequality class in the fall semester of 2019, in which he received one of two Dean's Scholar prizes I gave that semester. That class combines lecture and class discussion with team projects on various topics. Again, I saw that Kurt's penchant for teamwork translated well into the classroom. Kurt's team project focused on market concentration in technology and its effects on inequality. The team developed an analysis of how market concentration can, in general, exacerbate inequality, but in the critical part of the memo, led by Kurt, they concluded that the impact of concentration in technology is unlikely to be a major contributor to economic inequality in the United States, and that present proposals for breaking up Big Tech or similar solutions, while they may have other benefits, are likely to have at best a supportive role in an agenda aimed to address broad based economic insecurity or reverse longstanding trends of income inequality. His individual paper was a brilliant analysis of how one should think of policy design on the background of political lobbying and market power. In summary, he provided a theoretical and historically grounded argument for why policy solutions should focus not necessarily directly on the desired outcome, but on the construction of political coalitions whose shared goal is closest to the desired outcome. It was an original, insightful, and well documented paper.

I could keep going, but you do not need to read a multi-volume treatise. I have seen (and advised) Kurt as a student organizer, focused not on protest but on serious, intellectual work to produce materials for first-year curriculum reform aimed to address the role of law in the construction of American society. I have seen him organizing a conference and then shifting it to a zoom structure in the face of Covid-19. These attest to his leadership and organizational qualities.

I have worked with Kurt over a sustained period, on diverse projects, requiring a range of analytic and writing capabilities. I have also seen Kurt's effectiveness as a team member and leader. He is simply superb in all these dimensions. I would rank him as among the best students and research assistants that I have had the pleasure to work with in my twenty-five years of work as a professor at NYU, Yale, or Harvard law schools.

Sincerely,

Yochai Benkler

May 21, 2023

The Honorable Maria Kahn  
Connecticut Financial Center  
157 Church Street, 18th Floor  
New Haven, CT 06510-2100

Dear Judge Kahn:

I write to offer my enthusiastic and unreserved recommendation of Kurt Walters for a clerkship in your chambers.

Over the last three years, I have gotten to know Kurt in different contexts: as a student of mine in a small seminar at Harvard Law School, as an emerging student leader and advocate in the broader world of legal policy, and as someone with many of the outstanding personal qualities that I would no doubt be looking for in a law clerk if I were a judge. Kurt isn't just whip smart and a strong writer; he's also someone I would truly enjoy having in chambers.

I first met Kurt in January 2019, when I was on campus as a Wasserstein Public Interest Fellow at Harvard. Kurt had organized a panel on forced arbitration at which I spoke and he introduced me and the other speakers to the audience. In my conversations with him leading up to the event, and during the event itself, I was immediately struck by his uncommon maturity and ability to discuss complex ideas clearly. So, early on, I had the sense that this was a student to watch.

I was therefore pleased to discover that Kurt had signed up as a student in my Fall 2019 course on arbitration at Harvard Law School. The course is, by design, a challenging one—a semester-long deep dive into the history, theory, politics and doctrine of arbitration, with a strong emphasis on the effect of the U.S. Supreme Court's jurisprudence on consumers and workers. Doctrinally speaking, the course encompasses civil procedure, federal jurisdiction, federal preemption, statutory interpretation, and contract law. The course has a heavy writing component: multiple weekly reaction papers and an original final research paper are required. In class discussions, students are pressed to offer their own views based on close readings of legal materials in this complex and fast-evolving area of law.

Kurt was one of the very top students—both in the classroom discussion and in his written work—in my course. Harvard's policies permit an instructor to hand out only one "Dean's Scholar Prize" to the top student in a seminar of this size; if I had been allotted one more such prize, I surely would have given it to Kurt. He was consistently one of the best, if not the best, interlocutors of the material in classroom discussions. His comments combined incisive legal analysis with a mature sense of how that analysis might interact with strategic considerations in courtrooms, agencies, and legislatures—insights no doubt enriched by his work experience in some of those domains before and during law school.

Kurt's weekly reaction papers, too, were consistently the best or among the very best in the class, both in terms of the quality of writing and analysis and the originality and perceptiveness of his insights. I find these short reaction papers—in which students must offer their own original reactions to the readings, without extensive research—to be particularly revealing of students' writing and analytic ability. In his first paper, Kurt observed a puzzling pattern in the Supreme Court's "nonarbitrability" cases and explored possible explanations. In another, he critiqued a leading scholar's case for boilerplate contracts, arguing that it was unsupported even within the scholar's own chosen law-and-economics frame. In each paper, Kurt displayed a sophistication of analysis beyond his years. He also showed that, while he has progressive views, he is not doctrinaire—he's able to see and articulate the best arguments on every side of a question.

The final research paper that Kurt submitted—a significant undertaking—was easily one of the top two or three in the class. His goal was ambitious and he was able to deliver on it, to high professional standards. He laid out a comprehensive set of executive actions that could prevent abuses of forced arbitration, even without any changes in statute or jurisprudence. The primary focus was administrative regulation and quasi-regulation, such as actions that the government could take as a market participant. Among other things, Kurt's paper required diving into the authorizing statutes for potential administrative regulations of arbitration and categorizing them by type of regulatory and quasi-regulatory powers. His thinking was that offering a more structured process for assessing which regulatory provisions each authority can support substantially widens the playing field for policymakers. Rather than a binary inquiry into whether or not specific legal authority can support restrictions on the enforceability of arbitration clauses, his paper offered a menu of legally defensible policies among which a President's team could choose. Kurt's paper is so good and so useful, in fact, that I shared it with members of the Biden transition team as a model for real policy work and have incorporated it into conversations with the new Administration.

Outside the classroom, I've also gotten to know Kurt through his advocacy on issues related to the ones we explored together in our course. Ahead of the American Law Institute's vote on the draft Restatement of Consumer Contracts, Kurt helped write and promote a press release decrying the draft and called on law students to urge ALI members affiliated with their law schools to vote "no." Later, he fielded a call from a reporter, who was writing a story on Senator Elizabeth Warren's past involvement with ALI. He arranged for me and Professor Adam Levitin of Georgetown to speak with her and steer the story in a favorable direction. It's

rather impressive to see a law student working so effectively to try to move the needle at an institution like ALI.

Deepak Gupta - dgupta@law.harvard.edu - 202-246-0572



Some of our interactions have been more social. For instance, Kurt took the initiative to organize an informal lunch with me and other students in my class at the old standby, Cambridge Common. At these gatherings, I got a sense of Kurt as someone with a good sense of humor who doesn't take himself too seriously, but who nevertheless had a strong sense of why he's in law school and what he hopes to accomplish.

As you can see from his resume, Kurt is very serious about learning about litigation and the judicial process. He worked at my old organization, Public Citizen Litigation Group, as well as at Harvard's Project on Predatory Student Lending—two organizations with among the finest public interest litigators I know. He wants to be trained by the best, and extend the top-notch experience that he's had in legal writing into his clerkship.

From my conversations with Kurt, I know that his motivations for wanting to clerk are all the right ones—mainly, because he sees clerking as an end in itself, not just as a stepping stone to future things. He is hungry for a high-paced learning experience that allows him to dive deeply into many areas of law, get exposed to advocacy, and understand the decision-making process. He is someone who cares deeply about dissecting arguments, testing their soundness through deep research, and synthesizing the best approach in clear and compelling writing.

I've hinted throughout this letter at Kurt's rock-solid public interest commitment but I should just come out and say it: Kurt is obviously someone who has dedicated his legal career to structural reforms designed to make the world a better place. I'm not sure if that's something you look for in a clerk, but it's certainly something I would prize highly.

If you choose to hire him, there is no doubt in my mind that Kurt will be a positive addition to your chambers family and that a year with you would make a correspondingly positive mark on his future career in public service. I would be happy to discuss further by phone and can be reached at (202) 888-1741 (office) or (202) 246-0572 (cell).

Sincerely,

Deepak Gupta

Lecturer on Law, Fall 2019/Fall 2020/Spring 2022

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